

Message Text

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44

ACTION NEA-12

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DEAE-00 SNM-02 SY-10 FBIE-00 CIAE-00 INR-10 NSAE-00

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R 021322Z JAN 74

FM AMCONSUL ADANA

TO AMEMBASSY ANKARA

SECSTATE WASHDC 626

INFO AMCONSULATE ISTANBUL

AMCONSULATE IZMIR

UNCLAS ADANA 002

E.O. 11652: NA

TAGS: CASC TU

SUBJ: ANTAKYA SEVEN VERDICT

REF: ADANA 253, 001

1) THERE FOLLOWS AN INTERPRETED TEXT OF ANTAKYA VERDICT AS IT APPEARS IN COURT RECORD. TEXT WAS DELIVERED BY DEFENSE ATTORNEY MENZILETOGLU AT MEETING DEC. 31 WITH CONOFFS. WORDS "AS WILL BE EXPLAINED IN DETAILED DECISION" REFER TO A DOCUMENT STILL TO BE OBTAINED, TO BE MAILED BY COURT TO DFENSE COUNSEL IN NEAR FUTURE.

2) QUOTE. THE MATTER WAS DISCUSSED AND THE DOSSIER EXAMINED AND AS WILL BE EXPLAINED IN THE DETAILED DECISION:

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3) QUOTE. BECAUSE THEIR GUILT WAS NOT ESTABLISHED IT WAS DECIDED THAT MARGARET ANN ENGLE, PADEDIB OTOPE FLORIANNE CZARNECKI AND MARIA THERESA GROCKI BE ACQUITTED.

4) QUOTE. THE DEFENDENTS JOANNE MACDANIEL, KATHERINE ANNE ZENZ AND ROBERT HUBBARD WERE FOUND TO HAVE HAD THEIR GUILT ESTABLISHED AND THEREFORE AS BEFITS THEIR GUILT UNDER LAW 403 PARAGRAPHS 1, 2, 5 AND LAST (NOTE: THIS AFFIRMS CONVICTION UNDER ARTICLE 7, RATHER THAN ARTICLE 6 AS ORGINALLY REPORTED) UNCLASSIFIED

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(THEY ARE SENTENCED TO DEATH, BUT ACCORDING TO ARTICLE 59

(OF THE CODE) (THEY ARE SENTENCED TO) LIFE AT HARD IMPRISONMENT.

5) QUOTE. ARTICLES 31 AND 33 SHALL BE APPLIED AND,
ACCORDING TO ARTICLE 40, DAYS PASSED IN APPREHENSION SHALL BE
COUNTED AGAINST THEIR TOTAL SENTENCE. THEIR APPREHENSION SHALL
BE CONTINUED. (NOTE: ARTICLE 31 DISQUALIFIES FOR PUBLIC OFFICE
FOR LIFE PERSONS WHO HAVE BEEN IMPRISONED FOR MORE THAN FIVE
YEARS. ARTICLE 33 REFERS TO PROPERTY ADMINISTRATION FOR PERSONS
IMPRISONED FOR MORE THAN FIVE YEARS. ARTICLE 40, AS SUGGESTED
IN TEXT, HAS EFFECT OF REDUCING PRISON TERMS BY AMOUNT OF TIME
SPENT IN JAIL DURING HEARINGS. ARTICLE MIGHT SEEM CURIOUS
INCLUDED WITHIN A LIFE JUDGEMENT, BUT IT HAS BEEN EXPLAINED TO

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US THAT SENTENCES IN TURKEY ARE SO OFTEN SHORTENED BY ONE MEANS
OR ANOTHER THAT INCLUSION OF ARTICLES 31, 33 AND 40 IS CUSTOMARY
IN ORDER TO FORECLOSE ON FUTURE QUESTIONS.)

6) QUOTE. ACCORDING TO PARAGRAPH 6085 AS
AMENDED BY LAW 232 THE LICENSES OF THE DEFENDENTS ARE TO BE
PERMANENTLY CONFISCATED. (NOTE: ARTICLE 6085 IS THE TRAFFIC
CODE. AGAIN THIS APPEARS A STRANGE RUBRIC, BUT ONE DESCRIBED
AS COMMONLY USED IN CRIMINAL CASES.)

7) QUOTE. ACCORDING TO LAW NO. 36 THE HASHISH IN QUESTION
AND THE VEHICLES USED IN ITS TRANSPORTATION ARE CONFISCATED. THE
DEFENSE ATTORNEY'S REQUEST FOR RETURN OF THE VEHICLES IS REFUSED.
(NOTE: ARTICLE 36 PROVIDES THAT: QUOTE. IN THE CASE OF
CONVICTION, ARTICLES USED OR PREPARED TO BE USED IN THE SUBMISSION
OF THE OFFENSE, OR PRODUCED AS A RESULT OF THE COMMISSION OF THE
ACT,;; WILL BE SEIZED AND CONFISCATED, PROVIDED THEY BELONG TO
PARTIES INVOLVED IN THE ACT. UNQUOTE. IT WAS UNDERSTANDING OF
CONSULATE THAT THREE VEHICLES BROUGHT FROM GERMANY WERE IN FACT
PROPERTY OF A RENTAL COMPANY).

8) QUOTE. THAT THE BAIL BONDS PUT UP BY THE ACQUITTED

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DEFENDENTS BE CONFISCATED INTO THE TREASURY ANT THAT AFTER COURT
COSTS PERTINENT TO THE ACQUITTED ARE SUBTRACTED THE REMAINING
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COSTS OF (BLANK) LIRA BE TAKEN IN INSTALLMENTS FROM THE CON-
VICTED DEFENDENTS. NOTE: NO CITATION OF LAW IS MADE FOR THIS
PART OF JUDGEMENT, THE SENTENCE CONTINUING AS THOUGH ARTICLE 36
IS STILL UNDER CITATIONXX THOUGH IT WOULD SEEM CLEARLY NOT TO
APPLY.)

9) QUOTE. (NOTING THAT) THIS DECISION MAY BE APPEALED AS
APPROPRIATE AND DESIRED BY THE DEFENDENTS IT WAS READ IN THE
PRESENCE OF THE DEFENDENTS AND THEIR COUNSEL, KAYYUM MENZILETOGLU,

AND IN THE PRESENCE OF THE ASSISTANT PUBLIC PROSECUTOR, NECDET YARDIMOGLU ON DECMBER 28, 1973. IT WAS TRANSLATED AND EXPLAINED TO THEM (THE DEFENDENTS) WITH THE ASSISTANCE OF ATILA TOROGLU (ON THE SAME DAY.). UNQUOTE.

10) XTENDED TEXT OF JUDGES' REASONING WILL BE TRANSMITTED WHEN AVAILABLE.

HALLMAN

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